

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

OLIVIA SUND
930 MAGELLAN STREET
COSTA MESA, CA 92626

Application for Licensure by Exam

Respondent

Case No. 2008-344

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order are hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **JANUARY 19, 2008.**

IT IS SO ORDERED **DECEMBER 19, 2008.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
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ORIGINAL

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Statement of Issues Against:

Case No. 2008-344

13 **OLIVIA SUND**
14 930 Magnolia
15 Costa Mesa, CA

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Respondent.

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the
19 public interest and the responsibility of the Board of Registered Nursing the parties hereby agree
20 to the following Stipulated Settlement and Disciplinary Order which will be submitted to the
21 Board for approval and adoption as the final disposition of the Statement of Issues.

22 **PARTIES**

23 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing ("Board"). She brought this action solely in her official capacity
25 and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
26 California, by Loretta A. West, Deputy Attorney General.

27 2. Respondent Olivia Sund (Respondent) is representing herself in this
28 proceeding and has chosen not to exercise her right to be represented by counsel.

1 3. On or about December 19, 2007, Respondent filed an application dated
2 November 14, 2007, with the Board of Registered Nursing to obtain a registered nurse license.
3 The Board denied the application on March 10, 2008.

4 **JURISDICTION**

5 4. Statement of Issues No. 2008-344 was filed before the Board of Registered
6 Nursing, and is currently pending against Respondent. The Statement of Issues and all other
7 statutorily required documents were properly served on Respondent on June 26, 2008. A copy of
8 Statement of Issues No. 2008-344 is attached as exhibit A and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations
11 in Statement of Issues No. 2008-344. Respondent has also carefully read, and understands the
12 effects of this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the
14 right to a hearing on the charges and allegations in the Statement of Issues; the right to be
15 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
16 against her; the right to present evidence and to testify on her own behalf; the right to the
17 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
18 the right to reconsideration and court review of an adverse decision; and all other rights accorded
19 by the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in
24 Statement of Issues No. 2008-344.

25 9. Respondent agrees that her application dated November 14, 2007, with the
26 Board of Registered Nursing to obtain a registered nurse license is subject to denial and she
27 agrees to be bound by the Board of Registered Nursing's imposition of discipline as set forth in
28 the Disciplinary Order below.

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1 **3. REPORT IN PERSON:** Respondent, during the period of probation,
2 shall appear in person at interviews/ meetings as directed by the Board or its designated
3 representatives.

4 **4. RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE:**
5 Periods of residency or practice as a registered nurse outside of California shall not apply toward
6 a reduction of this probation time period. Respondent's probation is tolled, if and when he or she
7 resides outside of California. The respondent must provide written notice to the Board within 15
8 days of any change of residency or practice outside the state, and within 30 days prior to re-
9 establishing residency or returning to practice in this state.

10 Respondent shall provide a list of all states and territories where he or she has
11 ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall
12 further provide information regarding the status of each license and any changes in such license
13 status during the term of probation. Respondent shall inform the Board if he/she applies for or
14 obtains a new nursing license during the term of probation.

15 **5. SUBMIT WRITTEN REPORTS:** Respondent, during the period of
16 probation, shall submit or cause to be submitted such written reports/declarations and verification
17 of actions under penalty of perjury, as required by the Board. These reports/declarations shall
18 contain statements relative to respondent's compliance with all the conditions of the Board's
19 Probation Program. Respondent shall immediately execute all release of information forms as
20 may be required by the Board or its representatives. Respondent shall provide a copy of this
21 decision to the nursing regulatory agency in every state and territory in which he or she has a
22 registered nurse license.

23 **6. FUNCTION AS A REGISTERED NURSE:** Respondent, during the
24 period of probation, shall engage in the practice of registered nursing in California for a
25 minimum of 24 hours per week for 6 consecutive months or as determined by the Board. For
26 purposes of compliance with the section, "engage in the practice of registered nursing" may
27 include, when approved by the Board, volunteer work as a registered nurse, or work in any
28 nondirect patient care position that requires licensure as a registered nurse.

1 The Board may require that advanced practice nurses engage in advanced practice
2 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
3 Board. If respondent has not complied with this condition during the probationary term, and the
4 respondent has presented sufficient documentation of his or her good faith efforts to comply with
5 this condition, and if no other conditions have been violated, the Board, in its discretion, may
6 grant an extension of the respondent's probation period up to one year without further hearing in
7 order to comply with this condition. During the one year extension, all original conditions of
8 probation shall apply.

9 **7. EMPLOYMENT APPROVAL AND REPORTING**

10 **REQUIREMENTS:** Respondent shall obtain prior approval from the Board before
11 commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent
12 shall cause to be submitted to the Board all performance evaluations and other employment
13 related reports as a registered nurse upon request of the Board. Respondent shall provide a copy
14 of this decision to his or her employer and immediate supervisors prior to commencement of any
15 nursing or other health care related employment. In addition to the above, respondent shall notify
16 the Board in writing within seventy-two (72) hours after he or she obtains any nursing or other
17 health care related employment. Respondent shall notify the Board in writing within seventy-two
18 (72) hours after he or she is terminated or separated, regardless of cause, from any nursing, or
19 other health care related employment with a full explanation of the circumstances surrounding
20 the termination or separation.

21 **8. SUPERVISION:** Respondent shall obtain prior approval from the Board
22 regarding respondent's level of supervision and/or collaboration before commencing or
23 continuing any employment as a registered nurse, or education and training that includes patient
24 care. Respondent shall practice only under the direct supervision of a registered nurse in good
25 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
26 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
27 approved. Respondent's level of supervision and/or collaboration may include, but is not limited
28 to the following:

1 (a) Maximum - The individual providing supervision and/or collaboration is
2 present in the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in the
4 patient care unit or in any other work setting at least half the hours respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has
6 person-to-person communication with respondent at least twice during each shift worked.

7 (d) Home Health Care - If respondent is approved to work in the home health care
8 setting, the individual providing supervision and/or collaboration shall have person-to-person
9 communication with respondent as required by the Board each work day. Respondent shall
10 maintain telephone or other telecommunication contact with the individual providing supervision
11 and/or collaboration as required by the Board during each work day. The individual providing
12 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits
13 to patients' homes visited by the respondent with or without respondent present.

14 **9. EMPLOYMENT LIMITATIONS:** Respondent shall not work for a
15 nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement
16 agency, a traveling nurse, or for an in-house nursing pool. Respondent shall not work for a
17 licensed home health agency as a visiting nurse unless the registered nursing supervision and
18 other protections for home visits have been approved by the Board. Respondent shall not work
19 in any other registered nursing occupation where home visits are required.

20 Respondent shall not work in any health care setting as a supervisor of registered
21 nurses. The Board may additionally restrict respondent from supervising licensed vocational
22 nurses and/or unlicensed assistive personnel on a case-by-case basis. Respondent shall not work
23 as a faculty member in an approved school of nursing or as an instructor in a Board approved
24 continuing education program.

25 Respondent shall work only on a regularly assigned, identified and predetermined
26 worksite(s) and shall not work in a float capacity. If the respondent is working or intends to
27 work in excess of 40 hours per week, the Board may request documentation to determine whether
28 there should be restrictions on the hours of work.

1 **10. COMPLETE A NURSING COURSE(S):** Respondent, at his or her own
2 expense, shall enroll and successfully complete a course(s) relevant to the practice of registered
3 nursing no later than six months prior to the end of his or her probationary term. Respondent
4 shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall
5 submit to the Board the original transcripts or certificates of completion for the above required
6 course(s). The Board shall return the original documents to respondent after photocopying them
7 for its records.

8 **11. VIOLATION OF PROBATION:** If a respondent violates the conditions
9 of his/her probation, the Board after giving the respondent notice and an opportunity to be heard,
10 may set aside the stay order and impose the stayed discipline (revocation/suspension) of the
11 respondent's license. If during the period of probation, an accusation or petition to revoke
12 probation has been filed against respondent's license or the Attorney General's Office has been
13 requested to prepare an accusation or petition to revoke probation against the respondent's
14 license, the probationary period shall automatically be extended and shall not expire until the
15 accusation or petition has been acted upon by the Board.

16 **12. LICENSE SURRENDER:** During respondent's term of probation, if he
17 or she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the
18 conditions of probation, respondent may surrender his or her license to the Board. The Board
19 reserves the right to evaluate respondent's request and to exercise its discretion whether to grant
20 the request, or to take any other action deemed appropriate and reasonable under the
21 circumstances, without further hearing. Upon formal acceptance of the tendered license and wall
22 certificate, respondent will no longer be subject to the conditions of probation. Surrender of
23 respondent's license shall be considered a disciplinary action and shall become a part of
24 respondent's license history with the Board. A registered nurse whose license has been
25 surrendered may petition the Board for reinstatement no sooner than the following minimum
26 periods from the effective date of the disciplinary decision: (1) Two years for reinstatement of a
27 license that was surrendered for any reason other than a mental or physical illness; or (2) One
28 year for a license surrendered for a mental or physical illness.

1 **13. PHYSICAL EXAMINATION :** Within 45 days of the effective date of
2 this decision, respondent, at his/her expense, shall have a licensed physician, nurse practitioner,
3 or physician assistant, who is approved by the Board before the assessment is performed, submit
4 an assessment of the respondent's physical condition and capability to perform the duties of a
5 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
6 medically determined, a recommended treatment program will be instituted and followed by the
7 respondent with the physician, nurse practitioner, or physician assistant providing written reports
8 to the Board on forms provided by the Board.

9 If respondent is determined to be unable to practice safely as a registered nurse,
10 the licensed physician, nurse practitioner, or physician assistant making this determination shall
11 immediately notify the Board and respondent by telephone, and the Board shall request that the
12 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
13 immediately cease practice and shall not resume practice until notified by the Board. During this
14 period of suspension, respondent shall not engage in any practice for which a license issued by
15 the Board is required until the Board has notified respondent that a medical determination
16 permits respondent to resume practice. This period of suspension will not apply to the reduction
17 of this probationary time period.

18 If the respondent fails to have the above assessment submitted to the Board within
19 the 45-day requirement, respondent shall immediately cease practice and shall not resume
20 practice until notified by the Board. This period of suspension will not apply to the reduction of
21 this probationary time period. The Board may waive or postpone this suspension only if
22 significant, documented evidence of mitigation is provided. Such evidence must establish good
23 faith efforts by the respondent to obtain the assessment, and a specific date for compliance must
24 be provided. Only one such waiver or extension may be permitted.

25 **14. PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM:**
26 Respondent, at his/her expense, shall successfully complete during the probationary period or
27 shall have successfully completed prior to commencement of probation a Board-approved
28 treatment/rehabilitation program of at least six months duration. As required, reports shall be

1 submitted by the program on forms provided by the Board. If respondent has not completed a
2 Board-approved treatment/rehabilitation program prior to commencement of probation,
3 respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.
4 If a program is not successfully completed within the first nine months of probation, the Board
5 shall consider respondent in violation of probation. Based on Board recommendation, each week
6 respondent shall be required to attend at least one, but no more than five 12-step recovery
7 meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse
8 support group as approved and directed by the Board. If a nurse support group is not available, an
9 additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and
10 signed documentation confirming such attendance to the Board during the entire period of
11 probation. Respondent shall continue with the recovery plan recommended by the
12 treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing
13 recovery groups.

14 **15. ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD ALTERING)**

15 **DRUGS:** Respondent shall completely abstain from the possession, injection or consumption by
16 any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are
17 ordered by a health care professional legally authorized to do so as part of documented medical
18 treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by
19 the prescribing health professional, a report identifying the medication, dosage, the date the
20 medication was prescribed, the respondent's prognosis, the date the medication will no longer be
21 required, and the effect on the recovery plan, if appropriate. Respondent shall identify for the
22 Board a single physician, nurse practitioner or physician assistant who shall be aware of
23 respondent's history of substance abuse and will coordinate and monitor any prescriptions for
24 respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating
25 physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis
26 respondent's compliance with this condition. If any substances considered addictive have been
27 prescribed, the report shall identify a program for the time limited use of any such substances.
28 The Board may require the single coordinating physician, nurse practitioner, or physician

1 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
2 medicine.

3 **16. SUBMIT TO TESTS AND SAMPLES:** Respondent, at his/her expense,
4 shall participate in a random, biological fluid testing or a drug screening program which the
5 Board approves. The length of time and frequency will be subject to approval by the Board. The
6 respondent is responsible for keeping the Board informed of respondent's current telephone
7 number at all times. Respondent shall also ensure that messages may be left at the telephone
8 number when he/she is not available and ensure that reports are submitted directly by the testing
9 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to
10 the Board by the program and the respondent shall be considered in violation of probation. In
11 addition, respondent, at any time during the period of probation, shall fully cooperate with the
12 Board or any of its representatives, and shall, when requested, submit to such tests and samples
13 as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics,
14 dangerous drugs, or other controlled substances. If respondent has a positive drug screen for any
15 substance not legally authorized and not reported to the coordinating physician, nurse
16 practitioner, or physician assistant, and the Board files a petition to revoke probation or an
17 accusation, the Board may suspend respondent from practice pending the final decision on the
18 petition to revoke probation or the accusation. This period of suspension will not apply to the
19 reduction of this probationary time period. If respondent fails to participate in a random,
20 biological fluid testing or drug screening program within the specified time frame, the respondent
21 shall immediately cease practice and shall not resume practice until notified by the Board. After
22 taking into account documented evidence of mitigation, if the Board files a petition to revoke
23 probation or an accusation, the Board may suspend respondent from practice pending the final
24 decision on the petition to revoke probation or the accusation. This period of suspension will not
25 apply to the reduction of this probationary time period.

26 **17. MENTAL HEALTH EXAMINATION:** The respondent shall, within
27 45 days of the effective date of this decision, have a mental health examination including
28 psychological testing as appropriate to determine his/her capability to perform the duties of a

1 registered nurse. The examination will be performed by a psychiatrist, psychologist or other
2 licensed mental health practitioner approved by the Board. The examining mental health
3 practitioner will submit a written report of that assessment and recommendations to the Board.
4 All costs are the responsibility of the respondent. Recommendations for treatment, therapy or
5 counseling made as a result of the mental health examination will be instituted and followed by
6 the respondent. If respondent is determined to be unable to practice safely as a registered nurse,
7 the licensed mental health care practitioner making this determination shall immediately notify
8 the Board and respondent by telephone, and the Board shall request that the Attorney General's
9 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
10 practice and may not resume practice until notified by the Board. During this period of
11 suspension, respondent shall not engage in any practice for which a license issued by the Board is
12 required, until the Board has notified respondent that a mental health determination permits
13 respondent to resume practice. This period of suspension will not apply to the reduction of this
14 probationary time period. If the respondent fails to have the above assessment submitted to the
15 Board within the 45-day requirement, respondent shall immediately cease practice and shall not
16 resume practice until notified by the Board. This period of suspension will not apply to the
17 reduction of this probationary time period. The Board may waive or postpone this suspension
18 only if significant, documented evidence of mitigation is provided. Such evidence must establish
19 good faith efforts by the respondent to obtain the assessment, and a specific date for compliance
20 must be provided. Only one such waiver or extension may be permitted.

21 **18. THERAPY OR COUNSELING PROGRAM:** Respondent, at his/her
22 expense, shall participate in an on-going counseling program until such time as the Board
23 releases him/her from this requirement and only upon the recommendation of the counselor.
24 Written progress reports from the counselor will be required at various intervals.

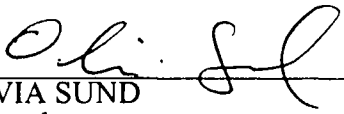
25 **ACCEPTANCE**

26 I have carefully read the Stipulated Settlement and Disciplinary Order. I
27 understand the stipulation and the effect it will have on my registered nurse license. I enter into

28 ///

1 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
2 agree to be bound by the Decision and Order of the Board of Registered Nursing.

3 DATED: 10/6/08.

4 
5 OLIVIA SUND
6 Respondent


7 **ENDORSEMENT**

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Board of Registered Nursing.

10 DATED: 10/7/08.

11 EDMUND G. BROWN JR., Attorney General
12 of the State of California

13 LINDA K. SCHNEIDER
14 Supervising Deputy Attorney General

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16 LORETTA A. WEST
17 Deputy Attorney General

Attorneys for Complainant

18 DOJ Matter ID: SD2008801220 4288B846.wpd
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Exhibit A

Statement of Issues No. 2008-344

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
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8 Attorneys for Complainant

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12 **BEFORE THE**
13 **BOARD OF REGISTERED NURSING**
14 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

15 In the Matter of the Statement of Issues Against:

Case No. 2008-344

16 **OLIVIA SUND**
930 Magnolia
17 Costa Mesa, CA

STATEMENT OF ISSUES

18 Respondent.

19
20 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

21 **PARTIES**

- 22 1. Complainant brings this Statement of Issues solely in her official capacity
23 as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.
- 24 2. On or about December 19, 2007, the Board of Registered Nursing received
25 an application for a registered nursing license from Olivia Sund (Respondent). On or about
26 November 14, 2007, Olivia Sund certified under penalty of perjury to the truthfulness of all
27 statements, answers, and representations in the application. The Board denied the application on
28 March 10, 2008.

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1 herself, any other person, or the public or to the extent that such use impairs
2 his or her ability to conduct with safety to the public the practice authorized
3 by his or her license.

4 9. Code section 492 states, in pertinent part,

5 Notwithstanding any other provision of law, successful completion of
6 any diversion program under the Penal Code, or successful completion of an
7 alcohol and drug problem assessment program under Article 5 (commencing
8 with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code,
9 shall not prohibit any agency established under Division 2 (commencing with
10 Section 500) of this code, or any initiative act referred to in that division, from
11 taking disciplinary action against a licensee or from denying a license for
12 professional misconduct, notwithstanding that evidence of that misconduct
13 may be recorded in a record pertaining to an arrest.

14 10. Code section 482 states:

15 Each board under the provisions of this code shall develop criteria to
16 evaluate the rehabilitation of a person when:

17 (a) Considering the denial of a license by the board under Section 480; or

18 (b) Considering suspension or revocation of a license under Section 490.
19 Each board shall take into account all competent evidence of rehabilitation
20 furnished by the applicant or licensee.

21 REGULATIONS

22 11. Section 1445(b) of the Regulations states:

23 (a) When considering the denial of a license under Section 480 of the code, the
24 board, in evaluating the rehabilitation of the applicant and her/his present
25 eligibility for a license will consider the following criteria:

26 (1) The nature and severity of the act(s) or crime(s) under
27 consideration as grounds for denial.

28 (2) Evidence of any act(s) committed subsequent to the act(s)
or crime(s) under consideration as grounds for denial which also
could be considered as grounds for denial under Section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or
crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms
of parole, probation, restitution, or any other sanctions lawfully imposed
against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a license

1 on the grounds that a registered nurse has been convicted of a crime, the
2 board, in evaluating the rehabilitation of such person and her/his
eligibility for a license will consider the following criteria:

3 (1) Nature and severity of the act(s) or offense(s).

4 (2) Total criminal record.

5 (3) The time that has elapsed since commission of the act(s)
6 or offense(s).

7 (4) Whether the licensee has complied with any terms of parole,
8 probation, restitution or any other sanctions lawfully imposed against
the licensee.

9 (5) If applicable, evidence of expungement proceedings
pursuant to Section 1203.4 of the Penal Code.

10 (6) Evidence, if any, of rehabilitation submitted by the licensee.

11 **FIRST CAUSE FOR DENIAL**

12 **(Use of Alcohol to an Extent or in an Manner
13 Dangerous or Injurious to Oneself and Others)**

14 12. Respondent's application is subject to denial pursuant to Business and
15 Professions Code section 480, subdivision (a) (3) in conjunction with Code sections 2761,
16 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
17 subdivision (b), in that Respondent used alcoholic beverages to an extent or in a manner
18 dangerous or injurious to herself, others, and the public, as described below.

19 13. On or about July 2, 2007, a hospital security guard observed Respondent
20 inside a motor vehicle in the hospital parking lot and she appeared to be drinking from a bottle
21 concealed in a brown paper bag and acting intoxicated. The security officer called the police and
22 reported Respondent's conduct. Respondent then drove said motor vehicle across the hospital
23 parking lot, parked in a "ten-minute" parking area in front of the hospital, and entered the
24 hospital. A police officer arrived soon thereafter. As the security guard told the police officer
25 about Respondent driving her car across the parking lot. Respondent exited the hospital and
26 walked toward them. Respondent admitted recently driving her car and parking it in front of the
27 hospital, as reported by the security guard. Respondent performed a chemical breath test. Said
28 test determined Respondent had a blood alcohol content of 20 percent by weight, approximately

1 twice the legal limit in the state of Oregon. Respondent was arrested for driving under the
2 influence of intoxicants.

3 14. On or about September 24, 2007, in the criminal proceeding titled *State of*
4 *Oregon v. Olivia Sund* (Circuit Court of Oregon, Third Judicial District, Case No. 07C48766),
5 Respondent pled guilty, as charged, to violating the state of Oregon statute (ORS) section
6 813.010 (driving while under the influence of intoxicants (DUII), a misdemeanor crime). The
7 court accepted respondent's guilty plea. However, the court withheld entry of a judgment of
8 conviction in the case because Respondent was accepted into the Oregon Diversion Program as
9 an alternative to traditional criminal sentencing. The Oregon court approved Respondent's
10 request to perform her diversion program requirements in Orange County, California.
11 Respondent is scheduled to complete her court-ordered diversion program requirements on or
12 about June 24, 2008.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Denying the application of Olivia Sund for a registered nursing license;
17 2. Taking such other and further action as deemed necessary and proper.

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19 DATED: 9/16/08

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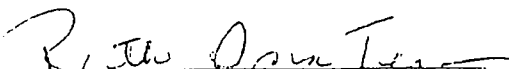
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RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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